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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,512	04/25/2001	Michael Flom	2070/61924	8362

7590

12/21/2004

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EXAMINER

GECKIL, MEHMET B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,512

Applicant(s)

FLOM ET AL.

Examiner

Mehmet B. Geckil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 22-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 1-28 are presented for examination. Claims 1-21 are selected with traverse in response to the restriction requirement.

2. Applicant's election with traverse of claims 1-21 in the reply filed on 8/23/04 is acknowledged. The traversal is on the ground(s) that according to applicant's belief all of the claimed invention were sufficiently related to each other. This is not found persuasive because applicant did not argue in detail to show how the restriction requirement was wrong.

The requirement is still deemed proper and is therefore made FINAL.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ukelson in view of the well known web content development or manufacturing.

5. Ukelson (6,338,096) taught the invention substantially as claimed (as in exemplary claim 19) including portable device or client computer (col 5, line 15 et seq) capable of presenting users with portable device application programs like

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browser and micro web server (col 5, line 19 et seq (micro web server name indicates that the application is a portable device application), comprising:

- a) a cache for caching content packages or web pages or content related to the web pages (col 5, line 22 et seq);
- b) an output (e.g., browser);
- c) a control section that searches the cache for relevant content packages (col 6, line 44 et seq) in response to the user requests, wherein if relevant content packages are not available in the cache (col 9, line 35 et seq), the control section routes a request to a remote server and content packages fulfilling the request are streamed down to the portable device or client computer (12) from the remote server fulfilling the user request and stored in the cache so that subsequent user requests have access to the updated cache (col 8, line 4 et seq).

6. It would have been obvious to one of ordinary skill in the networking art at the time of the invention that the claimed invention differed from the teachings of Ukelson only by a degree, e.g., in the claimed user input but user input is an obvious variation of browser initiated requests (col 6, line 18 et seq). Other claims recite additional web or content manufacturing but these are obvious variations of well known web content development and also additionally generating web content on the fly or dynamically generating well known web page results in response to search request (for example a user inputs a search request to the google search engine and the response content is manufactured

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dynamically on the fly and presented to the user.) Applicant's claiming of manufacturing relevant content and returning to the server is an obvious variation of the well known on the fly manufacturing process just explained. Other claimed features also are all obvious variations of the well known features of the web techniques, e.g., content manufacturing according to one of (community, geography, or type of portable device) is an obvious variations of user preferences (see col 8, line 55 et seq.)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (571) 272-3894. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (571) 272-3896.

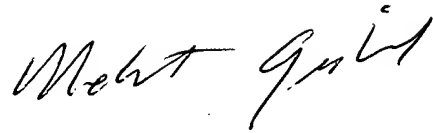
The fax phone number for the organization where this application or proceeding is assigned is **(703) 872-9306**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-3800/4700**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/16/04

A handwritten signature in black ink, appearing to read "Mehmet Geckil". The signature is written in a cursive, flowing style.

**MEHMET B. GECKIL
PRIMARY EXAMINER**